

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted on 12/20/21.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	November 22, 2021
Location	Teleconference	Start of Meeting: 3:00 p.m.	End of Meeting: 4:00 p.m.
Present	Chair Reid Kawane, Vice Chair Lori Koga. Commissioners: Virginia Kapali, Marissa Sandblom. Also: Hugo Cabrera, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti. Testifiers: Jonathan Jay, Bert Lyon, Councilmember Felicia Cowden.		
Excused	Jan TenBruggencate		
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Reid Kawane, called the meeting to order at 3:00 p.m.	
Roll Call		Roll Call: Commissioner Kapali-present Commissioner Sandblom-present Commissioner TenBruggencate-excused Vice Chair Koga-here Chair Kawane -here Quorum: 4 commissioners present	
Agenda		Vice Chair Koga moved to approve the agenda. Commissioner Kapali seconded. 4 Ayes, 0 Nays Motion carried 4:0	

SUBJECT	DISCUSSION	ACTION
Minutes	Open Session Minutes of October 25, 2021	<p>Commissioner Kapali moved to approve the Minutes of October 25, 2021; Vice Chair Koga seconded.</p> <p>4 Ayes, 0 Nays Motion carried 4:0.</p>
Public Testimony	<p>Written public testimony received by Jonathan Jay (on file).</p> <p>Jonathan Jay provided verbal testimony on CRC 2020-17 proposing a Charter Amendment relating to Council Districting. He also submitted written testimony and stated that he feels that districting will be good for Kauai. He stated how some districts (North Shore & West side in particular) of the island do not feel represented because the people they vote for do not get on. He feels it isn't always the case, and feels that all that run have a good heart, but each region that gets to send a representative to the Council than whenever decisions are made everyone is represented if have properly designed districting representation. He noted that in 2006 a districting proposal was on the ballot and it lost by less than 1%, and since all the counties have some kind of districting. His proposal takes in considerations, questions, concerns and objections. His version is based on the three districts that the State has already created for the State Legislature because the lines are already done.</p> <p>Bert Lyon provided verbal testimony on CRC 2020-17 proposing a Charter Amendment relating to Council Districting. He stated that districting is used in every election of State and Federal legislative body, as well as other islands. He noted that Maui allows all voters to vote for all district candidates, but Oahu and Hawaii Island are single member district. He prefers seven-districts since Kaua'i falls into seven distinct geographical areas. He noted that the Planning Department has six planning districts, they do not have seven because they lump Kapa'a and Wailua in one, and they have twice as many residents as each of the other planning districts, and a County Reappropriation Committee</p>	No Action

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	<p>could produce district boundaries based on the 2020 Census. All previous proposals have included at large seats which he feels makes it more complicated and may be why they failed. He went on to explain that having seven districts you would only vote for one candidate but would be assured that the candidate would be a representative from your area. Candidates would only need to campaign in their district and it would be less expensive for campaigning and more would be encouraged to run and island-wide name recognition would not be such an important quality. He believes more people would be encouraged to run, especially younger people. He asked that a districting proposal would be considered and adopted for this upcoming election.</p> <p>Councilmember Cowden provided testimony on districting and council structure. She noted that she sent something a few commissions back and perceives that it would be good to have four at-large positions to be four years and full-time. She feels it's hard to do a part-time job at it, especially when you are looking at younger people with a two-year position you can't even get a loan. She believes that the County has gotten more complicated and expensive since the Charter was written in the early sixties. She believes four of the positions to be four-year, full-time positions alternating two years at a time getting elected. Then the other three positions to be two year part-time, which could be districted, with Districts 14, 15, and 16. She noted that she previously sent a description of this idea in a previous year, but could not locate it and could look at it. She stated that the change would not affect her, so it is not about her, but would help Councilmembers do a better job, it would be less divided and more focused.</p> <p>Commissioner Sandblom clarified with Mr. Lyon that in his testimony he shared that Maui County has district candidates but that everyone can vote for all candidates, and that he would prefer to vote for only the candidate in his district.</p> <p>Mr. Lyon confirmed that Maui has a residency requirement that insures that people represent each district and that he would give up voting for six other people to be able to vote for someone in his district, and he will know that someone from his district will be represented.</p>	

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	<p>Commissioner Sandblom stated that there are two different schools of thought, one that everyone can vote for everyone regardless of district and voting within your district only.</p> <p>Mr. Lyon confirmed the clarification.</p> <p>Mr. Jay added that the Maui model has residency requirements for the candidate, but no restrictions on the voters. He noted that an example from Commissioner TenBruggencate noted that the candidate for Lanai did not win the votes from Lanai, but he had enough name recognition across the rest of the county that he was voted in anyway. Philosophically for him, he believes that communities should be able to choose who they want to represent them. In his version, what he believes is important is that there would be a residency requirement for the candidate or the voters. He feels that the important thing is for the voters to be required to be in the district, and that the island of Kauai can choose whomever they want as long as they have an island wide residency.</p> <p>Vice Chair Koga asked Mr. Jay to explain the 3x2+1 proposal that he submitted before the meeting.</p> <p>Mr. Jay explained that three is the 3 Districts, 13 on the North Shore, 14 the Central Area, and 15 the South and West side. Two is the top two vote getters from each of the districts. Three times two makes six and then everybody can vote for everybody and the one who gets the most at-large votes, gets the at-large position. He went on to note that one of criticism he has heard regarding having three representatives from each of the three districts is that it would be extra expense for salaries and retirement compensation. This is an effort at keeping the seats at seven, and not increase from seven to nine, and get the benefit of the three districts that the State has created. He noted that the State has already created, so would not have to go through re-districting.</p> <p>Commissioner Kapali asked Councilmember Cowden to share more about her thoughts on changing the terms.</p>	

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	<p>Councilmember Cowden responded that if there were three two-year positions that are districted, so someone who is up and coming in their area, they would not need to get their voice out to the entire island and they could get the two-year position, learning the job, and if strong, the next time they could run for four-years. She realizes that there could end up being a ten-year term, but she believes it's easier for someone to get into office if it's just their area, and what's troubling for her with seven districts, is that island is not that big and far, and she appreciates representing the entire island and what is learned when they reach out. She has four at-large people, everyone is able to vote in a super majority, so there is only two that they do not vote for. She feels that people need to have a solid job, and it's a lot to focus on. She sees a younger person going in for a two-year position and then go for a four-year position. The four-year positions would alternate, and you would elect two at a time, there would never be a risk of not having experience on the council. In theory you could shift your council substantially, and eight years is not enough time to be good at what you're doing, so at the eight year point you lose your strongest council people. She thinks with alternating four-year piece you are never left without experience on the council, there will be someone with a minimum of two years.</p> <p>Commissioner Kapali believes that we are looking at the environment and how do we encourage the younger group. She asked Mr. Lyon the population of Kaua'i in 1982, 2003, and 2006, because he said in 2006, we were just 161 votes short of the amendment passing. She believes it may have to do with the make-up of the residences.</p> <p>Mr. Lyon did not have the information at the top of his head. He's sure that she is correct. She has heard from other's that Kaua'i is still small enough that everybody knows everybody and we're still small enough why do we have to do districts, we should be able to vote for all on Kaua'i. She's not sure, but is very interested in looking at the term, because it's the longevity and the experience that gets better and quality work.</p> <p>Commissioner Sandblom stated that the question of what happens if someone moves is intriguing in districting and asked if there were any thoughts from the testifiers.</p>	

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	<p>Councilmember Cowden thinks that with her view of four at-large and just one each for the two-year regional, if someone moves in the middle of their term, no problem they just finish their term, they'll still have a connection to wherever they were elected from, but then next time they have moved so they could run for the new district or at-large position, two years isn't very long and even it had seven districts, or two each in each district, they get to finish term, and then next time run in new district.</p> <p>Commissioner Kapali stated that her reservation with districting is Kapa'a/Wailua is the most populated and they would only have two representatives and how do you determine that.</p> <p>Councilmember Cowden stated that Districts 14, 15, and 16 are evenly divided by the State.</p> <p>Mr. Jay commented that Councilmember Cowden is correct, and that there must be equal representation in terms of the population. The area can be different, but number of people that live in District 14 is roughly the same as District 15 and then District 16, equal population is critical, where you draw the line is not simple. Using the State's district is already done and why he proposes it, already constitutionally valid, and equal populations. If you create new districts need to educate voters.</p> <p>Commissioner Kapali asked why we need seven, just go six, two each district.</p> <p>Councilmember Cowden responded that you need seven, an odd number so that you never stalemate.</p> <p>Mr. Lyon spoke to reapportionment, that the other Counties have done it every ten years, and he hasn't heard that it's been a big deal. He thinks it can be done as long as a non-partisan commission is appointed. Also if you only have three districts, the same thing will happen, that the candidates from the smaller areas will never get elected because the larger areas will elect from their area, for example Hanalei/Kilauea will be outvoted by</p>	

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	<p>Kapa'a, because it has a larger population.</p> <p>Chair Kawane thanked the testifiers for their testimony.</p>	
Communication	<p><u>Email received November 22, 2021 from Jonathan Jay to the Charter Review Commission regarding CRC 2020-17.</u></p> <p>Chair Kawane entertained a motion to receive for the record.</p>	<p>Commissioner Kapali moved to receive testimony from Jonathan Jay. Commissioner Sandblom seconded.</p> <p>4 Ayes, 0 Nays Motion carried 4:0.</p>
Business	<p><u>CRC 2020-17 Discussion and possible action on meetings regarding proposed Charter amendment relating to Council Districting.</u></p> <p>Chair Kawane stated that they had a lot of discussion on this item and much to think about. He entertained a motion to defer this item.</p> <p>Commissioner Kapali stated that she would make a motion to defer to the next meeting however she believes the Commission may need to ask for assistance from staff to take testimony and put together a drafting of possibilities.</p> <p>Administrator Ching clarified that perhaps a table of the different proposals, so that the Commissioners can see the proposals to prepare.</p> <p>Commissioner Kapali affirmed what Administrator Ching stated.</p> <p>Mr. Jay stated that he's available to provide additional information, and thanked the Commission.</p> <p>Administrator Ching suggested contacting the Office of Elections and Council Services to provide input. She's not sure they are available at the next meeting, because of Special Election, but she feels that they can provide information and input.</p>	

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	<p>Chair asked for Administrator to go forward with making the contacts and to invite to meeting.</p>	<p>Commissioner Kapali moved to defer CRC 2020-17 to the next meeting with staff drafting a comparison table of proposals that have been presented by public testimonies as well as other information about what would be best for our island as we go forward. Commissioner Sandblom seconded.</p> <p>4 Ayes, 0 Nays Motion carried 4:0.</p>
	<p><u>CRC 2021-04 Discussion and possible action on Charter Initiatives of interest.</u></p> <p>Chair Kawane asked Administrator Ching if anything had been received.</p> <p>Administrator Ching stated that we have not, but by next month she should be able to run through all of the Commissions and where they are at. She can confirm that they have all received the communication and some of them have decided that they have no proposals, some are in the middle of considering it. They all asked that information on the Charter be sent, which she did, and no one has com back with anything.</p> <p>Chair Kawane entertained a motion to defer.</p>	<p>Commissioner Sandblom moved to defer and keep on agenda CRC 2021-04 for the next meeting. Vice Chair Koga seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</p>
	<p><u>CRC 2021-06 Discussion and possible action on proposing a Charter amendment relating to Ranked-Choice Voting.</u></p> <p>Commissioner Kapali asked to be reminded on this item.</p>	

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	<p>Vice Chair Koga stated that Commissioner TenBruggencate had proposed this, but then took it back.</p> <p>Administrator Ching stated that she did discuss this with Commissioner TenBruggencate and he wants to withdraw it, but can defer till the next meeting so that he can withdraw at that time.</p>	<p>Vice Chair Koga moved to defer CRC 2021-06. Commissioner Kapali seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</p>
	<p><u>CRC 2021-08 Discussion and possible action on proposing a Charter amendment relating to Prosecutor Attorney vacancy.</u></p> <p>Chair Kawane noted document in packet.</p> <p>Administrator Ching noted that there has been a lot of interest and discussion relating to the cost of a special election. She noted that Commissioner TenBruggencate worked on the document submitted with this item.</p> <p>Chair Kawane asked how to move this along.</p> <p>Administrator Ching stated that it can be deferred to when Commissioner TenBruggencate is present to have more discussion on it or can go ahead and ask to work with County Attorney to work on more technical questions regarding this.</p> <p>Chair Kawane suggested to wait and discuss with Commissioner TenBruggencate.</p> <p>Administrator Ching suggested to get input for Office of Elections and Council Services as this impacts them as well.</p> <p>Chair Kawane asked Administrator Ching to make contacts. He entertained a motion to defer.</p>	<p>Vice Chair Koga moved to defer CRC 2021-06. Commissioner Kapali seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</p>

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Announcements	<p>Next Meeting: TBD</p> <p>Chair Kawane asked if they should meet in December or wait till scheduled January meeting.</p> <p>Staff reminded Commission that they had decided to not schedule a meeting in December because it would fall on the Monday after Christmas, but they might want to look at another Monday in December to meet.</p> <p>Commissioner Kapali suggested that they meet on December 20, 2021, and asked if the other Commissioners if they are available.</p> <p>Commissioner Sandblom may have a conflict, but as long as there is quorum.</p> <p>Administrator Ching stated that there will be a new Commissioner joining, and she will invite Office of Elections and Council Services to the December meeting.</p> <p>Chair Kawane confirmed next meeting for December 20, 2021.</p>	
Adjournment		<p>Commissioner Kapali moved to adjourn the meeting at 4:00pm. Commissioner Sandblom seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</p>

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Reid Kawane, Chair

- (X) Approved as circulated.
 () Approved with amendments. See minutes of _____